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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,309	07/07/2003	Michael J. Mazzetti		4312

47427 7590 05/02/2005

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EXAMINER

EVANS, ANDREA HENCE

ART UNIT PAPER NUMBER

2854

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,309

Applicant(s)

MAZZETTI, MICHAEL J.

Examiner

Andrea H. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/7/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to because of the following informalities: In line one, "of of" should be replace with "of". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3,4,6,7, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Solomon (6154421).

Referring to claim 1, Solomon teaches a timekeeping device comprising; at least one analog indicator (See Column 2, lines 29-31), changeable display areas at hour demarcation points (F, Column 1, lines 53-64 and C, Clock face changes at each time), and control means (Column 2, lines 47-49).

Referring to claim 3, Solomon teaches the device wherein a day of the month is represented by at least one alpha-numeric character within a display area. (See Column 3, lines 53-58).

Referring to claim 4, Solomon teaches the device wherein the at least one alpha-numeric character is a numeral between 1 and 31 inclusive. (See Column 3, lines 53-58 and Figure 5).

Referring to claim 6, Solomon teaches the device wherein a month of the year is represented by at least one alpha-numeric character within the display area. (See Column 2, lines 49-53).

Referring to claim 7, Solomon teaches the device wherein the at least one alpha-numeric character is a numeral between 1 and 12 inclusive. (See Figure 1, see numbers "1-12").

Referring to claim 10, Solomon teaches the timepiece wherein numerals between 1 and 12, inclusive, are displayed in traditional positions for hours 1 through 12 within the display areas. (See Figure 1, see number 1-12)

Referring to claim 11, Solomon teaches the device wherein the hour of the day is represented by at least one alpha-numeric character within the display area. (See Figure 1, see numbers 1-12).

Referring to claim 12, Solomon teaches the device wherein numerals between 1 and 12, inclusive, are displayed in traditional positions for hours 1 through 12 within the display area during the anti meridian period of the day. (See Figure 1, see numbers 1-12).

4. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Schenk et al (6359839).

Referring to claim 20, Schenk teaches a timekeeping device comprising; at least one analog indicator (32,34,36), a changeable display area (16; display area changes at each time), and hour indicators positioned in rotated locations by means of the changeable display area to represent an alternate time zone. (See Column 1, lines 46-51 and Column 4, lines 50-64).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (6154421) in view of Sase et al (4972393).

Referring to claim 2, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein a day of the week is represented by at least one alpha-numeric character within a display area. Sase teaches a device wherein a day of the week is represented by at least one alpha-numeric character within a display area (See Figure 1, 208a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Solomon to include the day of the week represented by at least one alpha-numeric character within a display area so that the wearer has knowledge of the day of the week along with the time of day as taught by Sase et al.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (6154421) in view of Wimberly (6556513).

Referring to claim 5, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein a suffix corresponding to the displayed numeral provides added readability of the numeral for the user. Wimberly teaches a device wherein the suffix corresponding to the displayed numeral provides added readability of the numeral for the user

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(See Figure 7, “th”). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon by including the suffix corresponding to the displayed numeral so that the wearer can view the date such that the date is written the way it would be pronounced as taught by Wimberly.

8. Claims 8, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Amano (5659521).

Referring to claim 8, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein a calendar year is represented by a least one alpha-numeric character within the display area. Amano teaches a device wherein a calendar year is represented by a least one alpha-numeric character within the display area (See Figure 13d). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Solomon to include the calendar year is represented by a least one alpha-numeric character within the display area so that the user is aware of the year and the time as taught by Amano.

Referring to claim 9, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein the at least one alpha-numeric character is a numeral between 00 and 99 inclusive. Amano teaches the device wherein the at least one alpha-numeric character is a numeral between 00 and 99 inclusive. (See “94” in Figure 13d). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of

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Solomon to include a calendar year between 00 and 99 to represent years between these numbers as taught by Amano.

Referring to claim 17, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein previously stored information is shown at the display area selected from the group consisting of names and phone numbers and personal data. Amano teaches a device wherein previously stored information is shown at the display area selected from the group consisting of personal data (See Column 1, lines 5-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Solomon such that previously stored information is shown at the display area selected from the group consisting of personal data so that the user can view biorhythm information such as birthday information.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Russell (304821).

Referring to claim 13, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein numerals between 13 and 24, inclusive, are displayed in traditional positions for hours 1 through 12 within the display area during the post meridian period of the day. Russell teaches a device wherein numerals between 13 and 24, inclusive, are displayed in traditional positions for hours 1 through 12 within the display area during the post meridian period of the day. (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that numerals between 13 and 24, inclusive, are displayed in traditional positions for hours 1 through 12 within

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the display area during the post meridian period of the day to demonstrate a 24 hour day as taught by Russell.

Referring to claim 14, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein symbols displayed in the display area are selected from the group consisting of roman numerals and icons and graphic representations. Russell teaches a device wherein symbols displayed in the display area are selected from the group consisting of roman numerals (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that the numerals are represented in roman numerals since these numbers represent the same numbers on the watch in another form as taught by Russell.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of De Salivet De Fouhecour (6813222).

Referring to claim 15, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein hour indicators are selectively made visible within the display area while other indicators are made blank thereby providing appealing graphical patterns. De Salivet De Fouhecour teaches hour indicators that are selectively made visible within the display area while other indicators are made blank thereby providing appealing graphical patterns (See Column 4, lines 15-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that the hour indicators are selectively made visible within the display area while other indicators are made blank thereby providing appealing graphical patterns to enable the hour indicator to be more visible as taught by De Salivet De Fouhecour.



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11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Sugiyama (5898645).

Referring to claim 16, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device of wherein hour indications within the display area periodically change appearance thereby conveying a continuous passage of time. Sugiyama teaches a device of wherein hour indications within the display area periodically change appearance thereby conveying a continuous passage of time (See Column 5, lines 25-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that hour indications within the display area periodically change appearance thereby conveying a continuous passage of time in order to display accurate time as taught by Sugiyama.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Bland et al (6147933).

Referring to claim 18, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein digital chronometer functions are shown at the display areas thereby conveying information selected from the group consisting of stopwatch values and elapsed time values and alarm clock settings and alternate time zones. Bland teaches the device wherein digital chronometer functions are shown at the display areas thereby conveying information selected from the group consisting of elapsed time values (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that elapsed time is shown so that the user is aware of passing seconds as taught by Bland.

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13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Zaugg (6826122).

Referring to claim 19, Solomon teaches all that is claimed as discussed above. Solomon does not teach the device wherein a progressively moving transition is shown on the display area thereby graphically conveying trends selected from the group consisting of tide levels and moon phases and climate conditions and biometric data and measurements. Zaugg teaches a device wherein a progressively moving transition is shown on the display area thereby graphically conveying trends selected from the group consisting of moon phases (See Figure 1, 14,16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon such that moon phases are shown so that the user can see whether the moon is growing, full, decreasing or new as taught by Zaugg.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans, ESQ

AHE

A handwritten signature in black ink, appearing to read "Andrew H. Hirshfeld", is written over a printed name and title block.

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